



JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CONTACT JASON MILLER
PUBLIC INFORMATION OFFICER
PHONE (302) 577-8949
CELL (302) 893-8939
Jason.Miller@state.de.us

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Modernizing Delaware's Drug Laws Is An Important Step Forward In Delaware's Fight Against Crime

Bill drafted by Attorney General's Office is first major revision of state's drug laws in decades

DOVER – Legislation on the verge of becoming law will update Delaware's drug-sentencing guidelines to more effectively deter criminals and punish crimes, Attorney General Beau Biden said. House Bill 19 passed the House today and is now headed to the Governor's desk for his signature. The measure, sponsored by Rep. Melanie George and Sen. Harris McDowell, reflects more than a year of consensus building by a committee led by the Attorney General's Office. The panel also included police agencies, criminal justice reform advocates, the Public Defender's office, the Department of Correction, and others. HB 19 has been endorsed unanimously by the Delaware Police Chiefs' Council.

"We must always be vigilant for new ways to keep our communities safe," Biden said. "The many groups we invited to the table, including law enforcement, are supporting this bill because drug laws have not changed in decades. Modernizing Delaware's drug laws is an important step forward in our fight against crime."

Specifically, the legislation:

- Emphasizes that the punitive aspects of drug laws are aimed at drug dealers;
- Allows greater judicial discretion for drug crimes involving extraordinary circumstances and eliminates convoluted and special sentencing provisions for drug crimes;
- Simplifies and streamlines charging decisions for police agencies to a single charge for many drug felonies;
- Increases penalties for those dealing in substantial quantities of narcotic prescription drugs and for drug dealers who resist arrest with force or violence;
- Retains minimum prison sentences for drug felonies involving certain amounts of drugs or aggravating factors such as prior offenses and eliminates minimum sentences for some first-time offenders who would face such sentences under current law;
- Protects children by increasing the penalty a drug dealer faces for committing a drug crime near a school or park;
- Creates a new crime for those who knowingly provide a dwelling used for drug deliveries and for those who possess drugs and a handgun or semi-automatic weapon at the same time.

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